

Claims 1-3 stand rejected under 35 U.S.C. 102 as anticipated by the teachings of U.S. Patent No. 5,825,122 to Givargizov et al. Claims 1-3 all clearly call for a “solid diamond electron emitter”. Givargizov et al clearly teach the use of diamond coatings on the tips of silicon emitters and not solid diamond emitters as taught and claimed in the instant application. Accordingly, it is respectfully submitted that rejection of claims 1-3 on the basis of anticipation by Givargizov et al is improper and that such rejection should be withdrawn. Furthermore, the foregoing amendments obviate this rejection since claim 1-3 have been cancelled.

Claims 1-3 stand further rejected under 35 U.S.C. 102 as anticipated by Saito et al, U.S. Patent No. 6,184,611. The cancellation of these claims obviates the need for any discussion of this basis for rejection.

Claims 4- 16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Givargizov et al or Saito et al and “common knowledge in the art”. The Examiner clearly indicates that neither of these references do not teach the roughness of the point, but dismisses this element of the claims on the basis that “applicant’s disclosure fails to show such limitations to solve any problems or to yield any unobvious advantage that is not within the scope of the teachings applied”. Applicant respectfully traverses this rejection of the claims as it relates to the surface roughness of the pointed surface. At page 6, line 21 to page 7, line 5 Applicant clearly states the advantages of the surface roughness limitations currently incorporated into new claim 18 from which all remaining claims depend.

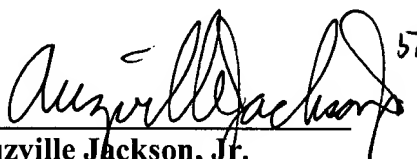
Conversely, there are not teachings in either of the cited references to the need or desirability for the specific roughness characteristics currently claimed.

Accordingly, the Examiner has submitted no prior art teaching the desirability of such surface roughness as claimed by Applicant, and it is respectfully submitted that the use of such dimensional surface characteristics that, for example, permit the use of a single diamond surface to produce an array of electron emissions is clearly distinguishable from the teachings of the prior art and therefore patentable.

It is therefore respectfully submitted that the claims as now presented stand in condition for allowance and the same is respectfully requested at an early date.

Clean and Marked-up copies of the claims as amended are enclosed herewith.

Respectfully submitted,

 5/31/02

Auzville Jackson, Jr.
Registration No. 17,306

8652 Rio Grande Road
Richmond, VA 23229
(804) 740-6828
Fax: (804) 740-1881

B